

MONTEREY COUNTY

DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES

EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH

PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN



December 19, 2012

Bradley Union School Water System
Attn: Cheryl Riley
224 Dixie St
Bradley CA, 93426

RE: Compliance Order No. 12-005
Bradley Union School Water System, I.D. No. 270-0964

Dear Ms. Riley,

The California Health and Safety Code (H&SC), Section 116655, gives the Monterey County Health Department, Environmental Health Bureau, (EHB) authority to issue Orders directing compliance with the Health and Safety Code, Division 104, Part 12, Chapter 4 (a.k.a., the Safe Drinking Water Act), and with any permit, standard, or regulation issued or adopted pursuant to said Chapter. This Compliance Order directs the referenced water system to comply with State regulations and domestic water permit conditions by supplying specified documents and information.

The H&SC requires that a water system shall reimburse EHB for costs incurred in enforcement activities related to said system. Enforcement activities include preparing, issuing, and monitoring compliance with an order or citation; preparing and issuing public notification; and conducting a permit suspension or revocation hearing. Our costs, based on our current hourly rate, will be charged to the above water system for any further enforcement. If you have any questions regarding this compliance order, please contact this office at 755-4775.

Sincerely,

John Ramirez, M.P.A., R.E.H.S.
Director, Environmental Health Bureau

Enclosure: Compliance Order No.12-005

cc: Richard LeWarne, EHD Assistant Director
Cheryl Sandoval, Supervising Environmental Health Specialist
Charles Hewitt II, Environmental Health Specialist
Simon Salinas, County of Monterey 3rd District Supervisor
Rex Awalt, Operator

COUNTY OF MONTEREY
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH BUREAU

In RE: **Bradley Union School Water System, I.D. No. 270-0964**

TO: **Bradley Union School District, Owner, Bradley Union School**
224 Dixie St
Bradley CA, 93426

Findings

1. Bradley Union School Water System (hereinafter "Respondent") supplies domestic water to Bradley Union School Complex. The Respondent is currently operating by authority of a domestic water permit issued by the Monterey County Environmental Health Bureau (hereinafter "Bureau") on July 1, 1981.
2. The Respondent supplies water obtained from a well. The water system has a 10,000 gallon storage tank and pressure is maintained by two pressure tanks and a booster pump.
3. The Respondent's domestic water permit includes the following conditions:
 - a. The system shall at all times remain in compliance with Federal, State, County rules and regulations pertaining to water systems;
 - b. Water for domestic purposes shall, under all circumstances and conditions, be pure, wholesome and potable, and shall not endanger the lives or health of human beings.
4. These permit conditions have not been met in that:
 - a. Water provided to the consumers for domestic use by the Respondent does not meet primary drinking water standards for nitrates.
 - b. The water system has failed to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.

History

1. The Respondent took a nitrate sample, which failed to meet the nitrate maximum contaminant level (MCL) in July 2011 and did not take the required confirmation sample. The Bureau did not receive the results that indicated the failure until October 2011 at which time public notification was required. The Respondent did collect a nitrate sample from the well on October 2, 2011 with a result of 42mg/L. The Respondent was required to collect nitrate samples from both the well and the storage tank on a monthly basis beginning November 2011 to keep a closer watch on the nitrate levels with in the distribution system. Also, the water system was required to stay on public notification until it could be determined if the nitrate levels would remain below 45mg/L. On November 1, 2011 the sample results were 41mg/L at the storage tank and 42mg/L at the well. All of the monthly samples for nitrates in 2012 have been fluctuating around 42mg/L at the well and tank until November 6, 2012, when the storage tank result was 47mg/L and the well result was 48mg/L. Confirmation samples were taken on November 13, 2012 with the results of 44mg/L for both the well and storage tank. The average of the original samples and confirmation samples for each of the locations were 45.5mg/L at the storage tank and 46mg/L at the well. These results indicate that the nitrate MCL has been exceeded.

Conclusions

1. Based on the above described Findings, the Bureau concludes that the Respondent has violated provisions of the California Health and Safety Code (HSC), Division 104, Part 12, Chapter 4, AKA the California Safe Drinking Water Act (SDWA); and California Code of Regulations (CCR), Title 22, Chapter 15. These violations include, but are not limited to, the following:

- a. Section 64431, CCR: Nitrate level in domestic water supply exceeds its Maximum Contaminant Level of 45 mg/L or parts per million.
- b. Section 116555(a)(1), HSC: Failure to provide water that meets primary drinking water standards.
- c. Section 116555(a)(3), HSC: Failure to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Order

1. Pursuant to Section 116655 of the HSC, the Bureau hereby orders Respondent, Bradley Union School Water System, to do the following to ensure that the water supplied shall at all times be pure, wholesome, potable and healthful.
 - a. An acceptable permanent water source for domestic water supply must be developed (example of options: new well development, water system consolidation, water treatment, etc.) Submit an implementation plan for the development of an acceptable permanent source of drinking water to the Bureau for approval by **January 10, 2013**.
 - b. Upon approval by the Bureau, the plan shall be implemented and the domestic water supply to all users of Bradley Union School Water System shall comply with all primary and secondary drinking water standards as set forth in Chapter 15, CCR, by **June 10, 2013**.
2. Continue Quarterly Public Notification as required by CCR Title 22, Section 64464.3. Notification documents in English and Spanish were previously provided to the Respondent.
3. Continue monthly sampling of the storage tank and reduce to quarterly sampling of the well for nitrates.

4. Continue to provide bottled water to the users of Bradley Union School Water System until the development of an acceptable permanent source of drinking water is established.

5. The Bureau reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

6. All submittals required by this order shall be addressed to:

Environmental Health Bureau
Drinking Water Protection Service
1270 Natividad Road
Salinas, CA 93906-3198

7. If Respondent is unable to perform the tasks specified in this Order for any reason, whether within or beyond Respondent's control, and if Respondent notifies the Bureau in writing no less than five days in advance of the due date, the Bureau may extend the time for performance if Respondent demonstrates that it has used its best efforts to comply with the schedules and other requirements of this Order. If Respondent fails to perform any of the tasks specified in this Order by the time described herein or by the time as subsequently extended pursuant to this paragraph, Respondent shall be deemed not to have complied with the obligations of this Order and may be subject to additional judicial action including civil penalties specified in the HSC, Section 116725.

8. The County of Monterey shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the Respondent, its employees, agents or contractors in carrying out activities pursuant to this Order, nor shall the County of Monterey be held as a party to any contract entered into by the Respondent or its agents in carrying out activities pursuant to this Order.

9. By issuance of this Order, the Bureau does not waive any further enforcement actions.

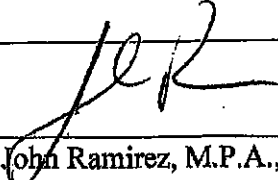
Parties Bound

This Order shall apply to and be binding upon the Respondent, its officers, directors, agents, employees, contractors, successors, and designees.

Severability

The requirements of this Order are severable, and Respondent shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.

12-19-12
Date


John Ramirez, M.P.A., R.E.H.S.
Director, Environmental Health Bureau

cc: Richard LeWarne, EHD Assistant Director
Cheryl Sandoval, Supervising Environmental Health Specialist
Charles Hewitt II, Environmental Health Specialist

Encl: